

67

(a) \$1,142,545.70 as exemplary damages or, in the alternative as an award of attorney's fees incurred in defense of plaintiff-counterdefendant's trademark infringement and unfair competition action pursuant to 15 U.S.C. § 1117 and Rule 11 of the Federal Rules of Civil Procedure;

(b) \$6,254.40 are taxed against plaintiff-counterdefendant pursuant to local Rule 11 as costs and disbursements expended by defendants-counterclaimants in the successful defense against the claims of plaintiff-counterdefendant.

(c) \$222,498.28 as exemplary damages in an amount equal to the non-taxable costs incurred in defense of plaintiff-counterdefendant's trademark infringement and unfair competition action. If any amount included in subparagraph (b) above is not properly taxable in accordance with local Rule 11, it shall be deemed to be added to the award pursuant to this subparagraph (c);

(d) \$83,525.05 for costs and attorney's fees incurred in prosecuting the contributory copyright infringement counterclaim;

(e) \$94,219.41 for actual damages as a result of plaintiff-counterdefendant's tortious interference with the contracts between defendants-counterclaimants and licensees Trim Line, Charleston Hosiery, Super Shirts, House Glass, Manton Cork and Sylva Manufacturing; and

(f) \$56,689.41 for plaintiff-counterdefendant's contributory copyright infringement of the Donkey Kong audio-visual work.

2. Costs and disbursements expended by defendants-counterclaimants in the successful prosecution of their counterclaims for tortious interference, punitive damages and attorney's fees shall be taxed by the Clerk against plaintiff-counterdefendant pursuant to local Rule 11.

8 3. Interest on this judgment shall be calculated from the date hereof ~~August 23, 1985 in accordance with the stipulation of counsel for plaintiff-counterdefendant Universal City Studios, Inc.~~

4. It is further Ordered and Adjudged that judgment is entered in favor of plaintiff-counterdefendant Universal City Studios, Inc. against defendants-counterclaimants Nintendo Co. Ltd. and Nintendo of America, Inc.:

(a) Dismissing on the merits defendants-counterclaimants' counterclaim for misappropriation/unjust enrichment;

(b) Dismissing on the merits defendants-counterclaimants' counterclaim for tortious interference in so far as it relates to the contracts between defendants-counterclaimants and licensees Coleco Industries, Inc., Atari, Inc. and Ruby-Spears, Inc.;

(c) Dismissing on the merits defendants-counterclaimants' counterclaim for tortious interference with prospective economic advantage for lost licenses with Union Underwear and Gabriel Industries; and

(d) No costs to plaintiff-counterdefendant
Universal City Studios, Inc.

(dated: New York, New York
~~September~~ 1985

October 1, 1985


ROBERT W. SWEET, U.S.D.J.
Att.

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____.